

Family Law Division
11546 B Avenue
Auburn, CA 95603
(530) 886-1212
Hours: 8:00 –3:00
Phone Hours: 8:00 – 3:00

Basic Services

This department deals with the various ways to terminate a marriage: divorce (also called “dissolution”), legal separation and annulment (or nullity) and includes the issues regarding spousal and child support, custody and visitation, property and debt division, and establishing parentage. This court also provides mediation services to help parents resolve child custody and visitation problems. It is also the department to which you go to request a restraining order due to domestic violence.

Divorce

In California, you can end a marriage due to irreconcilable differences or incurable insanity. At least one spouse must have lived in California for six months and in the county where the court papers will be filed for three months.

A form called a *petition* must be filed with the clerk of the court.

You will be required to pay a filing fee or apply for a *fee waiver*, which may be granted by the judge if you have a very low income.

The court will issue a *summons* which states that one spouse is filing for divorce and orders that neither spouse can sell or give away any property, change any insurance or take any children of the marriage outside of the state without the written consent of the other spouse or written order of the court. The person filing for divorce must have someone 18 years of age or older personally deliver the summons, petition and any other papers filed with the court together with a blank response form to his/her spouse. If the other spouse cannot be located, the judge may approve a different way to notify the person that a court case has been opened.

After the papers have been filed with the court, one of the spouses may file forms asking for a hearing at which a judge will make temporary custody, visitation and support orders. Other issues such as a temporary use of property, restraining orders or orders for one spouse to pay the other’s attorney fees and court costs may be decided before the divorce is completed.

Both spouses are required to provide information to each other about their income and expenses, property and debts before any trial can take place or before they reach any final agreements. This is called *disclosure*. There are special forms for this purpose.

If the other spouse does not contest the divorce or file a response to the papers asking for the divorce, a court hearing may not be necessary. Thirty-one days (or more) after the spouse is served with the petition and summons, the person filing for the divorce can file *default* papers asking that the court grant the orders requested in the petition. The person who filed the case can then prepare a *judgment* for the court’s review and approval. To be approved the judgment must exactly match the orders requested in the petition.

If the other spouse files a response but the spouses are not able to reach a final agreement on all of the issues, the spouses will have to obtain a *trial* date and argue the case before a judge.

A divorce cannot be granted any sooner than six months and one day after the other spouse has been served with a copy of the summons and petition or six months after the date that the respondent filed papers with the courts. Neither party can remarry until the date specified in the *judgment*.

The divorcing parties (or their attorneys) have to prepare a number of papers for the judge to review and sign. The date the marriage ends is indicated on the judgment.

Separation

Couples may separate by mutual agreement or by court order. Couples wanting a *legal separation* file the same papers and follow the same process as those couples filing for divorce, except that there is no residence requirement. A legal separation cannot be granted if the other spouse objects to the separation and files the appropriate papers for a divorce. A legal separation does not end a marriage.

Annulment

An *annulment*, or *nullity* of marriage, is a proceeding to declare a marriage to be void. While there is no residence requirement, there are very strict and limited grounds under which an annulment may be granted. These can be found in Family Code sections 2200-2225

Parentage

Before the court can make orders on support and custody and visitation, it must determine the parentage (who is the father and mother) of a child. Generally, when parents are married at the time of the birth of the child, there is no disagreement about parentage. The law assumes the husband is the father.

Unmarried parents can establish the parentage of a child when the child is born by signing a voluntary ***Declaration of Paternity***. The court can also decide the parentage of a child in a case brought by a parent or the Department of Child Support Services. The court can make custody and support orders as part of a parentage case.

Child Custody and Visitation

If parents are unable to agree on custody and visitation without help, the court will provide a court mediator to help them resolve their disagreement. Parents may also hire a private mediator. California law requires judges to award child custody according to the best interest of the children. In most cases, judges give custody to one or both parents.

Child Support

California has a child support guideline that is used in all cases to determine the proper amount of child support. This guideline takes into consideration the parents' income and the amount of time each parent spends taking care of the child (or children). The guidelines also provide that parents share the costs of daycare necessary for the parents to work and also share the child's medical expenses. Child support may also include expenses to meet special needs, such as tutors and transportation costs for visiting with each parent. Both parents will be ordered to keep their child covered by medical insurance if it is available at no cost or at reasonable costs.

Parents who are separating, or who are involved in a parentage case if never married, may agree on the child support plan, but a judge must approve the amount of child support payments.

When parents cannot agree on child support, the judge decides what the payments will be. Either parent may later ask the judge to change the amount if there has been a significant change of circumstances.

Non Payment of Child Support

If you have been awarded child support but it is not being paid or if you believe you are entitled to receive child support, you may contact the **Placer County Department of Child Support Services at (530) 889-5700**. The Department of Child Support Services does not act as attorney for either of the parties involved, but as the attorney for the County of Placer and will file the papers necessary to enforce a child support order or seek an order, if one does not already exist.

You may go to the Family Law Division to get ***information packages***, which contain the basic forms you need to file to open a new case. You may also request other forms as necessary to go before the judge requesting new orders or modification of existing orders.

Family Law clerks will make files available for viewing by the public. They will also provide copies of paperwork contained within the file upon request and payment of a fee.

Clerks are prohibited from dispensing legal advice or helping you to complete any of the forms. However, each county has a ***Family Law Facilitator*** who is available at no cost to help prepare forms, calculate child support according to the guidelines and provide information about the factors the court uses when making child support decisions. Please see the section regarding the Family Law Facilitator for a more detailed explanation of the services they provide.

Domestic Violence Issues

If you have been the victim of domestic violence or the threat of domestic you may file for a ***restraining order*** to protect you and your minor children living with you. The violence or threats must come from someone in your family or in your home or with whom you have a close relationship.

The Family Law Clerk's office has an information packet with the instructions and the forms you will need. This packet is available to you without charge.

If This Is An Emergency

Call local law enforcement (**911**). The responding officer can call a judge any time of the day or night and ask for ***an emergency protective order*** that goes into effect immediately. The emergency protective order can make the abusive person leave the home and keep that person away from you and your children for up to seven days. This will give you the opportunity to file for a temporary restraining order, which may afford protection for up to three years.

See the end of this section for the names and telephone numbers of organizations that can provide you with additional information or assistance. These numbers and more can be found in the **Instruction Booklet and Forms Packet for Domestic Violence Restraining Order**, which you can obtain from the family Law Clerk's Office.

What Will It Cost?

Filing fees, copy fees and fees for forms are regulated by state statute and local rules of court. The fees for filing the most frequently filed documents, services and forms are listed below.

At the time of writing (May, 2002):

Petition for Dissolution or Legal Separation	\$188.00
Judgment of Nullity	\$188.00
Response	\$188.00
Notice of Motion	\$ 23.00
Order to Show Cause	\$ 23.00
Copy fee (per page)	\$ 1.00
Certification of one page Dissolution	\$ 10.00
(each additional page of Dissolution)	\$ 1.00
Dissolution, Nullity, Legal Separation	
Forms Pkt	\$ 5.00
Summary Dissolution of Marriage Forms Pkt.	\$ 5.00
Uniform Parentage Act Forms Pkt.	\$ 5.00
Domestic Violence Restraining Order Forms Pkt.	No Charge

Useful Web Sites

California Courts Self Help
Lawyers.com
Access Law (Judicial Council forms)
Nolo Press
American Bar Association

www.courtinfo.ca.gov/selfhelp/family/
www.lawyers.com
www.accesslaw.com
www.nolo.com
www.abanet.org/domviol/internet.html

Useful Telephone Numbers

Placer Co. Dept. of Child Support Svcs.	(530) 889-5700
Placer County Women's Center	Office (530) 885-0443
	Crisis Line (530) 652-6558
Placer County Victim-Witness	(530) 889-7021
Tahoe Women's Services	Office (530) 546-7804
	Crisis Line (530) 546-3241
So. Lake Tahoe Women's	
Crisis Center	Office (530) 544-2118
	Crisis Line (530) 544-4444
Children's System	
of Care	24 Hr. Emergency (530) 886-5401